

**BEST AVAILABLE COPY****PATENT****ATTORNEY DOCKET NO.: N1085-00188  
[TSMC2003-0327]****REMARKS**

Claims 1-3, 5-6 and 9 are pending.

The Examiner rejects claims 1-3, 5-6 and 9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response claim 1 has been amended to now recite:

1. A method of etching a nitride-based bottom etch stop layer in a copper damascene structure comprising:

etching the nitride-based bottom etch stop layer using a high density, high radical concentration plasma containing fluorine radicals and oxygen radicals, wherein combined radical-to-ion ratio of the fluorine radicals and the oxygen radicals in the plasma is greater than about 10:1.

In the amended claim 1, the lack of antecedent basis for "the bottom etch stop layer" recited in line 3 of originally filed claim 1 has been corrected. Also, the amendment now makes it clear that the high density, high radical concentration plasma contains both fluorine radicals and oxygen radicals and the radical-to ion ratio of the fluorine radicals and the oxygen radicals in the plasma is greater than about 10:1. This amendment also clarifies that the "high density, high radical concentration" recited in claim 1 refers to the "greater than about 10:1" radical-to-ion ratio requirement. This amendment is fully supported by the disclosure of the originally-filed specification and no new matter has been added.

Applicant believes that after the entry of the amendments presented herein, claims 1, 3, 5-6 and 9 remain pending and they are in allowable form. Accordingly, a reconsideration of the amended claims and their allowance are requested.

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No fee is believed due for this submission. If a fee is required, however, the Commissioner is hereby authorized to charge such fee to Duane Morris Deposit Account No. 50-2061.

Respectfully submitted,

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